

**Security Council**

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Letter dated 21 February 2018 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instruction from my Government, and with regard to the final report of the Panel of Experts on Yemen, dated 26 January 2018 (S/2018/68), I have the honour to bring the following to your attention:

1. The Islamic Republic of Iran categorically rejects all allegations contained in the above-mentioned report and reiterates that the findings and assessment by the Panel, with regard to implementation of paragraph 14 of resolution 2216 (2015), fail to render an impartial and objective assessment of the issues at hand. My Government re-emphasizes that it neither has a policy nor seeks to transfer arms or military equipment in Yemen or manufacture them therein.

2. Despite the fact that Security Council resolution 2216 (2015) is not a balanced document and fails to acknowledge realities in Yemen, the Islamic Republic of Iran has undertaken to comply with its provisions. In this regard, certain directives have been issued to relevant authorities, including those responsible for trade control.

3. The Panel of Experts, in its function, did not observe the rules of methodology, thus failing to take a professional and impartial approach in its fact-finding activities in order to draw conclusions on certain issues. Further, there is serious doubt regarding the authenticity and credibility of the Panel's assessment. Overall, the Panel has failed to fully comply with the relevant fact-finding requirements. It is a well-established rule of international law that such a claim against a sovereign State requires a degree of certainty that the Panel failed to reach. In particular, the Panel's report fails even to comply with the methodological standards elaborated in different phrases in the annex to Security Council document S/2006/997, inter alia in paragraphs 21–23, 25, 27 and 28.

4. The Islamic Republic of Iran firmly believes that, in this case, the Panel should have considered, as a preliminary step, the admissibility of the evidence from a State that is party to the conflict. Moreover, the reliability and probative values of the evidence are questionable on many reasonable grounds, including those listed above. The liberal approach taken by the Panel vis-à-vis the allegations would encourage more fabrications of allegations for political purposes. Accordingly, not only did the Panel fail to restore peace and security in the region, but also created a hurdle to the possibility of any political solution in the future.

5. Applying a strikingly inaccurate fact-finding procedure and delivering an unfounded assessment by the Panel is an attempt to pursue the intentional agenda of certain countries to distract the international community from realities in Yemen and



the catastrophic humanitarian situation that has resulted from the relentless and brutal attacks by the Saudi-led coalition.

6. The Islamic Republic of Iran has demonstrated its determination to cooperate with the Panel to clarify certain issues, in particular through close contact of its Permanent Mission with the United Nations or by responding to the correspondence of the members of the Panel and receiving its technical delegation in Iran. However, it seems that the Panel has moved towards the opposite direction from the final report. In its recent visit to Tehran, and in addition to some bilateral meetings with the officials of the Foreign Ministry and the Deputy of the Supreme National Security Council of the Islamic Republic of Iran, the Panel of Experts had two joint working sessions with our technical experts during their two-day visit to Tehran on 15 and 16 January 2018. Our experts examined all issues contained in the letters delivered by the Panel of Experts and raised their professional and technical responses and views in a highly cooperative and constructive approach.

7. Unfortunately, despite the transparent and comprehensive technical specifications by our experts in the joint meetings, the Panel of Experts made an unprofessional and questionable request to visit the Iranian missile named Qiam-1 in order to observe and examine its structure and characteristics, a request that leaves no choice for any sovereign State other than to reject it.

8. According to the technical examinations by our experts, almost all references to the non-apparent characteristics of the Qiam-1, including those related to the effective range, warhead weight, internal design features, internal fuelling system and navigation system, cited in paragraph 90 (a) and (b) of the report and in annex 36, tables 36.3 and 36.4 and section V, etc., are erroneous. Meanwhile, the Panel has failed to provide reliable sources for these speculations. It is worthy of note that evidence projected by the violations of international law and the rules of methodology has no probative value. All other claims, including similarities between logos found on components and trademarks belonging to certain military industries in Iran, are inaccurate and flawed.

9. The Panel, on the basis of fabricated evidence and information provided by the Saudi Arabian regime and citing some non-exclusive apparent features of 2 out of 82 missiles allegedly launched from Yemeni territories targeting Saudi Arabia, has tried to link these two missiles to Iran's Qiam-1 short-range ballistic missile family. It is worth mentioning that, technically, the engine and the platform of the Qiam-1 missile do not have the capability to increase the range. It is also surprising to use the phrase "family" for the Qiam-1 missile, as this missile is unique and does not have other versions.

10. In each and every claim, including the alleged transfer of missile components to Yemen, in addition to "technical matching of components", substantiated information regarding "the exact time of transfer" and "the available routes" must be clearly furnished. In this context, the assessments by the Panel lack logical merit. Due to the imposed all-round blockade and given the sensitivity, heavy weight and large size of the parts (including the launcher, oxidizer tank, etc.) and the technical difficulty of re-aligning and coaxializing disassembled parts, there are serious doubts regarding the veracity of the claim made by Saudi Arabia, the United States and the Panel that the missiles and their related items had external origins that were supplied through unconventional routes.

11. There are also conflicts and contradictions between the statements and positions provided by the Saudi Arabian authorities and those delivered by the Panel with regard to the strike or interception of missiles. The qualities of the retrieved missile components contradict the assertion about intercepting and destroying the missile by missile defence systems, an issue that should be clarified.

12. On the basis of open source information, prior to the onset of hostilities and adoption of Security Council resolution 2216 (2015), the Yemeni Government had considerable potentials in the field of ballistic missiles and notable stockpiles of short-range ballistic missiles, including ScudCB, and -C, Hwasong 5, and -6, Borkan-1, Ghaheer-1, etc., that could have been utilized by its local expertise as technical bases for further upgrades. Meanwhile, the accusations levelled by Saudi Arabia against Iran are aimed at distracting United Nations Member States and public opinion from the Saudi military invasion of and massive criminal acts against the oppressed people of Yemen.

13. The Panel, in paragraph 90 (i) of its report, has claimed that, as it has not provided any information to the Panel on any change of custody of the components for the building of extended-range short-range ballistic missiles, the country is in non-compliance with paragraph 14 of resolution 2216 (2015). It is an exceedingly unprofessional and politically-oriented approach by the Panel to accuse the Islamic Republic of Iran of being non-compliant with paragraph 14 of the resolution because of "not providing information to the Panel". Contrary to the assertion in footnote 118, this Mission never received a letter from the Panel regarding this finding on 15 December 2017. Communications from the Panel around that date were mostly related to activities of specific companies wherein the Panel chose to ignore Iran's replies. In fact, this finding was first known through leaked media reports and, in other words, was finalized without duly communicating with Iran. Nevertheless, the Panel is not in a position or mandated to decide on the state of compliance by a United Nations Member State with a Security Council resolution.

14. While violating Security Council resolution 2216 (2015), the Saudi Arabian regime, backed by the United States and the United Kingdom, is misusing provisions of the resolution to continue its brutal and unlawful aggression in Yemen. At the same time, the air, sea and land blockade imposed has devastated the lives of millions of people, destroyed the basic public infrastructures and facilities, displaced people and inflicted disease and famine. These criminal acts are tantamount to war crimes and crimes against humanity.

15. Owing to the massive, indiscriminate aerial bombings and the blockade of Yemen by the Saudi-led coalition, which have exacerbated the humanitarian situation in Yemen, the Security Council has an urgent responsibility to take serious measures to counter the Saudis' criminal and adventurous policy in Yemen, hold the Saudi leadership accountable, alleviate the sufferings of the Yemeni people, remove the inhumane blockade, deliver humanitarian assistance and also have a fair as well as realistic initiative to find a peaceful solution for this crisis through a Yemeni-owned and Yemeni-led dialogue.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Gholamali **Khoshroo**
Ambassador
Permanent Representative